

Appl. No. 10/807,042
Amdt. dated September 13, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2681

PATENT

REMARKS/ARGUMENTS

Claims 1, 3, 5, 7-17, and 20-26 remain pending in the application. The Applicant thanks the Examiner for indicating that claims 20-26 are allowable. Claims 1, 3, 5, and 7-17 are rejected as allegedly unpatentable. Applicant respectfully traverses the rejection and requests reconsideration and allowance of all pending claims.

Attorney Docket Number

Applicant respectfully requests the Attorney Docket No. be updated to reflect Attorney Docket No.022263-000410US.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1, 3, 5, and 7-16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0132636 to Stockhusen (hereinafter Stockhusen) in view of U.S. Patent No. 6,768,896 to Tjalldin et al. (herinafter Tjalldin). Claims 17 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Tjalldin in view of Stockhusen.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all of the claim limitations.

Applicant respectfully contends that the prior art references, either alone or in combination, fail to teach or suggest all claimed features. Additionally, Applicant contends that there is no motivation to modify or combine the references in a manner that would teach or suggest Applicant's claims. Therefore, Applicant respectfully requests reconsideration and allowance of claims 1, 3, 5, and 7-17.

Claim 1 recites a single transceiver system. The single transceiver system includes "a memory configured to store information received by the single transceiver utilizing a

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first communication standard, and configured to provide the information to the single transceiver for transmission according to a second communication standard." The cited references, either alone or in combination, fail to describe this claimed feature.

The Examiner contends that the claimed feature is described in Stockhusen at paragraph 27, and the Examiner in particular identifies the mode manager that manages switching between air interfaces and routing of information and messages to the selected protocol stacks. However, Stockhusen describes architectures "comprised of two or more MSSW protocol stacks supporting different air interface standards. For instance, in the embodiments shown, architectures 200 & 210 include a first software system protocol stack ("MSSW SYSTEM (GSM)") 212 supporting the GSM air interface standard and a second software system protocol stack ("MSSW SYSTEM (TDMA)") 214 supporting the TDMA air interface standard." *Stockhusen*, at paragraph 27. The protocol stacks are used to configure data for the respective operating modes of the mobile telephone.

Received data is not stored in the protocol stacks. Instead, the protocol stacks are used to store information regarding how to format information for the respective systems supported by the protocol stacks. The memory manager does use the protocol stacks to store data received in one communication standard for transmission according to a second communication standard.

Stockhusen describes a telephone in which the phone can be configured for GSM mode or TDMA mode. However, Stockhusen does not describe any mode in which information received while configured for a first communication standard is stored in memory for transmission according to a second communication standard. Stockhusen does not even describe the ability to receive in one operating mode and transmit in another operating mode. Indeed, the Examiner concedes that Stockhusen fails to describe this capability. *See, Office Action*, at page 3 second full paragraph.

Tjalldin fails to even describe memory within the portable gateway. The Examiner concedes that Tjalldin describes two transceivers with two antenna. (*Office Action*,

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page 6.) Thus, Tjalldin does not describe a memory configured to store information received by a single transceiver.

Stockhusen fails to describe "a memory configured to store information received by the single transceiver utilizing a first communication standard, and configured to provide the information to the single transceiver for transmission according to a second communication standard" because Stockhusen fails to describe the ability for the mobile telephone to receive information in one mode and retransmit the same information in a second mode. The Examiner concedes this in the Office Action. Furthermore, Tjalldin fails to describe any memory configuration within the portable gateway, and thus does not teach the claimed memory configuration. Therefore, the cited references, either alone or in combination, fail to teach or suggest all of the claim limitations.

Additionally, there is no motivation to combine the teachings of Stockhusen with Tjalldin. Stockhusen describes a man-machine interface (MMI) for a multi-mode multi-band mobile telephone that can alternatively support one of two communication standards. Tjalldin describes a portable gateway or bridge. The Examiner contends that one would be motivated to combine the teachings of Tjalldin with Stockhusen to generate a "small application to better fit inside a pocket or small briefcase." *Office Action*, at page 3, final paragraph.

However, the Examiner fails to consider the description in Tjalldin of the "undesired interference between signals from the two antennas, being used for access to the two wireless networks." *Tjalldin*, at Col. 2, ll. 56-58. Tjalldin states that interference can be an issue "if the two antennas are mounted in close proximity." *Id.*, at ll. 59-60. Tjalldin then provides an embodiment where the undesirable interference can be reduced by maximizing the distance between the two antennas. Therefore, one would not be motivated to decrease the size of the gateway described in Tjalldin because of the undesirable interference that would result from the close proximity of the antennas. Indeed, one would not have a reasonable expectation of success in attempting to integrate the two transceivers and two antennas described in Tjalldin into a single transceiver, in part, because a single transceiver cannot be spaced from itself in order to reduce the amount of undesirable interference.

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Therefore, there is no motivation to combine the teachings of the two references in a manner that would result in Applicant's claimed invention. Furthermore, there are clear disadvantages in such a combination that are explicitly identified in one of the references. Therefore, the disadvantages create a doubt as to the reasonable likelihood of success in the combination.

Claims 3, 5, and 7-16 depend, either directly or indirectly, from claim 1 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 3, 5, and 7-16.

Claim 17 is believed to be allowable at least for the reason that there is no motivation to combine the references, and that there is not a likelihood of successful combination in light of the issues explicitly identified in one of the references. Applicant respectfully requests reconsideration and allowance of claim 17.

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Applicant believes that a *prima facie* case of obviousness has not been established, independent of any other reasons, because there is no motivation to combine the teachings of the cited references, and there is doubt as to the likelihood of success in the combination. Thus, Applicant respectfully requests reconsideration of the rejected claims and withdrawal of the grounds for rejection. Applicant respectfully requests allowance of claims 1, 3, 5, and 7-17.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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